

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE OF NEVADA,
Plaintiff,
v.
ARAH MUABA BEY,
Defendant.

Case No. 2:20-cv-02263-KJD-NJK

REPORT AND RECOMMENDATION

On December 15, 2020, Defendant filed a notice of removal and an application to proceed *in forma pauperis* in this case. Docket Nos. 1, 1-2. On December 16, 2020, the undersigned denied the application without prejudice because Defendant had failed to disclose relevant information to determine whether he qualifies to proceed *in forma pauperis*. Docket No. 2. On December 18, 2020, Defendant filed an objection to the undersigned's order. Docket No. 3. Thereafter, on April 12, 2021, United States District Judge Kent J. Dawson denied Defendant's objection to the undersigned's order. Docket No. 6. Judge Dawson found that, "if [Defendant] is not willing to provide the financial information to determine if he qualifies for *in forma pauperis* status, then he will be required to pay the filing fees." *Id.* at 2. Therefore, on April 13, 2021, the undersigned ordered Defendant to pay the filing fee or file a complete and accurate application to proceed *in forma pauperis*, no later than May 13, 2021. Docket No. 7. The undersigned cautioned Defendant that failure to timely comply with its order would result in a recommendation to Judge Dawson that this case be remanded to state court. *Id.* To date, Defendant has not paid the filing fee, filed a complete and accurate application to proceed *in forma pauperis*, or requested an extension to do so.¹ *See* Docket.

¹ On May 3, 2021, Defendant filed an affidavit again objecting to Judge Dawson's and the undersigned's orders requiring him to either pay the filing fee or submit a complete and accurate application to proceed *in forma pauperis*. Docket No. 8. *But see Sangster v. Clark Cty. Det. Ctr.*,

1 Accordingly, the undersigned **RECOMMENDS** that this case be remanded to state court.

2 Dated: May 18, 2021



3
4 Nancy J. Koppe
United States Magistrate Judge

5
6 **NOTICE**

7 This report and recommendation is submitted to the United States District Judge assigned
8 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
9 recommendation must file a written objection supported by points and authorities within fourteen
10 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
11 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
12 F.2d 1153, 1157 (9th Cir. 1991).

13
14
15
16
17
18
19
20
21
22
23
24
25

26 2005 WL 8159830, at *1 (D. Nev. June 21, 2005) (citing *Jefferson v. United States*, 277 F.2d 723,
27 724–25 (9th Cir. 1960)) (“The right to proceed in a civil action *in forma pauperis* is a privilege,
28 not a right”); *see also Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (quoting *United
States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)) (Plaintiff seeking IFP status must allege
poverty with particularity, definiteness, and certainty).